

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

AMON W. PERSHALL, JR.,)	
)	
Petitioner,)	
vs.)	NO. CIV-13-625-HE
)	
GENE CAIN, et al.,)	
)	
Respondents.)	


ORDER

Petitioner, Amon W. Pershall, Jr., a state prisoner appearing *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Consistent with 28 U.S.C. § 636(b)(1)(B), this matter was referred for initial proceedings to Magistrate Judge Gary M. Purcell. Judge Purcell ordered petitioner to cure deficiencies in his petition by September 16, 2013. Petitioner failed to respond to that directive. Judge Purcell then issued a report and recommendation, recommending that the cause of action be dismissed without prejudice. Petitioner has not objected to the report and recommendation. Instead, he filed a motion to dismiss based on the change in location of his incarceration. Petitioner's motion will be granted.

Accordingly, the motion to dismiss [Doc. #17] is **GRANTED** and the petition is **DISMISSED** without prejudice.

IT IS SO ORDERED.

Dated this 18th day of November, 2013.



JOE HEATON
UNITED STATES DISTRICT JUDGE